



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**EPA-R07-OAR-2014-0213; FRL-9948-16-Region 7]**

**Approval and Promulgation of Implementation Plans; State of Iowa; Infrastructure SIP Requirements for the 1997 and 2006 Fine Particulate Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS), and the Adoption of the 1997 PM<sub>2.5</sub> Standard**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve elements of two State Implementation Plan (SIP) submissions from the State of Iowa for the Infrastructure SIP Requirements for the 1997 and 2006 Fine Particulate Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS).

Infrastructure SIPs address the applicable requirements of Clean Air Act (CAA) section 110, which requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by the EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management

program are adequate to meet the state's responsibilities under the CAA. This action also proposes to approve the adoption of the 1997 PM<sub>2.5</sub> standard.

On September 8, 2011, EPA issued a Finding of Failure to Submit a Complete State Implementation Plan for several states, including Iowa. With respect to Iowa, the Finding of Failure to Submit covered the following 2006 PM<sub>2.5</sub> NAAQS infrastructure requirements: 110(a)(2)(A)-(C), (D)(i)(II)(prong 3 only), (E)-(H) and (J)-(M). This proposal to approve Iowa's infrastructure SIP for the 2006 PM<sub>2.5</sub> NAAQS addresses the September 8, 2011 finding.

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2014-0213, to <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official

comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551-7039; *email address:* [Hamilton.heather@epa.gov](mailto:Hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we refer to EPA. A detailed technical support document (TSD) is included in this rulemaking docket to address the following: a description of CAA section 110(a)(1) and (2) infrastructure SIPs; the applicable elements under sections 110(a)(1) and (2); EPA’s approach to the review of infrastructure SIP submissions, and EPA’s evaluation of how Iowa addressed the relevant elements of sections 110(a)(1) and (2). This section provides additional information by addressing the following questions:

I. What is Being Addressed in this Document?

II. Have the Requirements for Approval of a SIP Revision Been Met?

III. What Action is EPA Taking?

**I. What is Being Addressed in this Document?**

The EPA is proposing to approve two submissions from the State of Iowa: the infrastructure SIP submissions for the 1997 and 2006 PM<sub>2.5</sub> NAAQS received on March 31, 2008 and July 29, 2013. The SIP submissions from Iowa address the requirements of CAA sections 110 (a) (1) and (2) as applicable to the 1997 and 2006 PM<sub>2.5</sub> NAAQS. The March 31, 2008 SIP submission also included the state adoption of the 1997 PM<sub>2.5</sub> standard. The EPA is also proposing to approve this in today's action.

For the 1997 PM<sub>2.5</sub> NAAQS, the EPA took action to address section 110(a) (2) (D) (i) (I) - prongs 1 and 2 for Iowa. (72 FR 10380, March 8, 2007, as revised in 76 FR 48208, August 8, 2011). Therefore, in this proposal, we are not acting on these portions since they have already been acted upon by the EPA.

A TSD is included as part of the docket to discuss the details of this proposal.

**II. Have the Requirements for Approval of a SIP Revision Been Met?**

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR

part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

### **III. What Action is EPA Taking?**

The EPA is proposing to approve two submissions from the State of Iowa: the infrastructure SIP submissions for the 1997 and 2006 PM<sub>2.5</sub> NAAQS received on March 31, 2008 and July 29, 2013. The SIP submissions from Iowa address the requirements of CAA sections 110 (a) (1) and (2) as applicable to the 1997 and 2006 PM<sub>2.5</sub> NAAQS. This action also proposes to approve the adoption of the 1997 PM<sub>2.5</sub> standard.

The EPA's analysis of these submissions is addressed in a TSD as part of the docket to discuss the proposal.

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Iowa's SIP, the EPA believes that Iowa's SIP will meet all applicable required elements of sections 110(a)(1) and (2) with respect to the 1997 and 2006 PM<sub>2.5</sub> NAAQS.

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

**Statutory and Executive Order Review**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**Statutory Authority**

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Prevention of significant deterioration, Incorporation by reference, Intergovernmental relations, Particulate Matter, Reporting and recordkeeping requirements.

Dated: June 15, 2016.

Mark Hague,  
Regional Administrator,  
Region 7.



For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

## **PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

### **Subpart Q - Iowa**

2. Section 52.820 is amended by adding entries (43) and (44) in numerical order to table (e) to read as follows:

#### **§ 52.820 Identification of plan.**

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(e) \*\*\*

**EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS**

<b>Name of non-regulatory SIP revision</b>	<b>Applicable geographic or nonattainment area</b>	<b>State submittal date</b>	<b>EPA approval date</b>	<b>Explanation</b>
* * * * *				
(43) Sections 110(a)(1) and (2) Infrastructure Requirements 1997 PM <sub>2.5</sub> NAAQS.	Statewide	3/21/08	[Insert date of publication in the <b>Federal Register</b> ] [Insert <b>Federal Register</b> citation]	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), prong 3, (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.

(44) Sections 110(a)(1) and (2) Infrastructure Requirements 2006 PM <sub>2.5</sub> NAAQS.	Statewide	7/23/13	[Insert date of publication in the <b><u>Federal Register</u></b> ] [Insert <b><u>Federal Register</u></b> citation]	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), prong 3, (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.
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